

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1259-01
Bill No.: HB 510
Subject: Cemeteries; Crimes and Punishment; Real and Personal Property
Type: Original
Date: February 26, 2001

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> State Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| None | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|-------------------------------------|------------|------------|------------|
| FUND AFFECTED | FY 2002 | FY 2003 | FY 2004 |
| Local Government | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services, Office of the Attorney General, Office of State Courts Administrator**, and the **Department of Public Safety – State Highway Patrol** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of the State Public Defender (SPD)** assume that existing staff could provide representation for those 10 to 25 cases arising where indigent persons are charged with institutional vandalism of a cemetery. However, passage of more than one similar proposal could require the SPD to request increased appropriations to cover the cumulative cost of representing the indigent accused.

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the changes outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. There are very few admissions or probation openings for institutional vandalism. Incarceration time was shown 0.5 per year from FY99 to FY00 and probation at 1.5 per year in the same time period.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

The need for additional capital improvements is not anticipated at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

FISCAL IMPACT - State Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

\$0

\$0

\$0

FISCAL IMPACT - Local Government

FY 2002
(10 Mo.)

FY 2003

FY 2004

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation would make changes to the crime of institutional vandalism.

Currently, if damages are less than \$1,000, institutional vandalism is considered a class A misdemeanor; if damages are over \$1,000, it is a class D felony; and if damages are over \$5,000, it is a class C felony.

This proposal would revise the penalties as follows: if damages are less than \$500, institutional vandalism would be a class A misdemeanor; if damages are at least \$500 and not more than ten thousand dollars, it would be a class D felony; and if damages are at least \$10,000, it would be a class C felony. In addition, if damages are over \$100,000, incarceration of seven years without probation or parole would be required.

In all cases of institutional vandalism, the offender would be required to pay restitution for damages to property. The proposal would also give the right of civil action for damages or losses to owners of property adjacent to cemeteries and caretakers of abandoned family cemeteries. Currently, only those who incur bodily injury or damage to personal property have a right to civil relief.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of the State Public Defender
Office of Prosecution Services
Office of the Attorney General
Department of Corrections

SOURCES OF INFORMATION (continued)

BLG:LR:OD (12/00)

Department of Public Safety – State Highway Patrol

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "E" for "Jeanne".

Jeanne Jarrett, CPA
Director

February 26, 2001